

REMARKS

Claims 1-2, and 5-15 are amended, no claims are canceled, and no new claims are added; as a result, claims 1-15 are now pending in this application.

No new matter has been added through the amendments to claims 1-2 and 5-15. Support for the amendments to claims 1-2 and 5-15 is found throughout the specification, including but not limited to the specification at page 2, line 20 through page 3, line 28, and at page 6, line 17 through page 7, line 31.

Claim Objections

Claims 1, 12, and 15 were objected to because of informalities. Specifically, the Final Office Action states, "In claims 1, 12, and 15 the phrase 'concurrent the entitlement message' should be -concurrent with the entitlement message-."

Claims 1 and 12 have been amended to delete this language from the claims. Claim 15 has been amended to add the word "with" immediately following the word "concurrent" in the claim language.

Applicants believe the amendments to claims 1, 12, and 15 overcome the objections to the claims, and respectfully request withdrawal of the objections to claims 1, 12, and 15.

Objections to the Specification

The disclosure was objected to because of informalities. The specification has been amended to correct the informalities described in the Final Office Action. These amendments to the specification do not narrow or otherwise limit the scope or the content of the specification.

Applicants submit that these amendments to the specification overcome the objections to the specification, and respectfully request withdrawal of the objections to the specification.

§112 Rejection of the Claims

Claims 1, 3, 5, 6-7, and 9-10 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Specifically, claims 1, 3, 5, 6-7, and 9-10 are rejected because, according to the Final Office Action, "The term 'substantially' in claims 1, 3, 5, 6-7, 9-10 is a relative term, which renders the claim indefinite."¹

While Applicants do not necessarily agree with these statements, or with the additional statements included in the Final Office Action with respect to the 35 U.S.C. § 112, second paragraph rejection, the word "substantially" has been deleted from each of claims 1, 3, 5, 6-7, and 9-10 in order to proceed with prosecution of the application to an allowance.

Applicants submit that the 35 U.S.C. § 112, second paragraph rejection of claims 1, 3, 5, 6-7, and 9-10 is overcome, and respectfully request withdrawal of this rejection.

§102 Rejection of the Claims

Claims 1-3 and 5-15 were rejected under 35 U.S.C. § 102(b) for anticipation by Candelore (U.S. Patent No. 6,363,149). Applicants respectfully traverse the rejection of claims 1-3 and 5-15.

Claims 1-3 and 5-15 are not anticipated by Candelore because Candelore fails to disclose all of the subject matter included in claims 1-3 and 5-15. By way of illustration, independent claim 1, as now amended, recites:

"distributing a stream comprising the units of information successively, the stream including a plurality of entitlement control messages, **wherein each of the entitlement control messages is linked to a respective time-stamp, the respective time-stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time-stamp was distributed.**" (Emphasis added).

In contrast to independent claim 1, Candelore concerns a future access key with a time period *assigned to each key*, wherein Candelore states:²

"FIG. 7A shows a flow diagram for one embodiment of creating the ECMs of FIG. 6B. One or more keys are created, 710. **A time period is assigned to each key, where the time period may be a past, present, or future time period, 720.** A plurality of entitlement control messages are created so that each entitlement

¹ See the Final Office Action at page 7, in the second full paragraph.

² See Candelore at column 10, lines 55-67.

control message corresponds to a given time period, 730. For each key, place the key assigned to a given time period in the ECM corresponding to the given time period, 740. The content of a program, together with the plurality of ECMs, are recorded, 750. During a given time period, the key from the ECM that corresponds to the given time period is used to descramble the content of a program, 760." (Emphasis added).

Thus, Candelore is concerned with assigning a time period to each key, wherein the time period may be a past, present, or future time period. However, assigning time periods to each key fails to disclose, "wherein each of the entitlement control messages is linked to a respective time-stamp, the respective time-stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time-stamp was distributed," as required by independent claim 1. Further, a time period that may be a past, present or future time period, as discussed in Candelore, fails to disclose a time-stamp associated with a time-stamp value indicative of **a time at which the entitlement control message linked to the time-stamp was distributed**, as required by independent claim 1. (Emphasis added).

For at least these reasons, Candelore fails to disclose all of the subject matter included in independent claim 1, and so independent claim 1 is not anticipated by Candelore.

In further illustrations of subject matter included in the claims and not disclosed by Candelore:

Independent claim 7, as now amended, includes:

"an information distribution device arranged to distribute a stream of successive units of encrypted information, wherein each of the entitlement control messages is linked to a respective time-stamp, the respective time stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time-stamp was distributed; and;

...

the information distribution device being arranged to send the entitlement message so that the range initially has a starting point prior to a time value corresponding to when the entitlement management message is sent."

Independent claim 9, as now amended, includes:

"a management unit for selectively enabling decryption of the information units under control of the entitlement management

messages, the management unit being arranged to implement one of the entitlement management messages that includes a specification of a range of time-stamp values linked to entitlement control messages included in the units of information, for which the secure device has to enable decryption, wherein a starting point for the range initially has a time value prior to the current time count."

Independent claim 10, as now amended, includes:

"a transmitting unit for transmitting the stream, the stream including a plurality of entitlement control messages, wherein each of the entitlement control messages is linked to a respective time-stamp, the respective time stamp associated with a time-stamp value indicative of a time at which the entitlement control message linked to the time-stamp was transmitted;

the transmitting unit for transmitting an entitlement management message including a specification of a range of time-stamp values, the entitlement management message entitling the secure device to enable decryption of units of information that are linked to time-stamps with values in that range so that the range initially has a starting point prior to a time value corresponding to when the entitlement management message is sent."

For reasons analogous to those stated above with respect to independent claim 1, independent claims 7, 9, and 10, at least as now amended, include subject matter not disclosed by Candelore, and so none of independent claims 7, 9, and 10 are anticipated by Candelore.

Claims 2-3, 5-6, 8, 11, and 12-15 depend from one of independent claims 1, 7, 9, and 10, and thus include all of the subject matter included in the independent claim from which they depend, and more. For at least the reasons stated above with respect to independent claims 1, 7, 9, and 10, claims 2-3, 5-6, 8, 11, and 12-15 are not anticipated by Candelore.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 1-3 and 5-15.

§103 Rejection of the Claims

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Candelore (U.S. Patent No. 6,363,149) and further in view of Thexton et al. (U.S. Patent No. 6,772,435).

Claim 4 is not obvious in view of the proposed combination of Candelore and Thexton³ because the proposed combination of Candelore and Thexton fails to disclose or suggest all of the subject matter included in claim 4.

Claim 4 depends from independent claim 1, and so includes all of the subject matter included in independent claim 1, and more. For at least the reasons stated above, Candelore fails to disclose or suggest all of the subject matter included in independent claim 1, and so fails to disclose or suggest all of the subject matter included in claim 4.

The addition of Thexton fails to remedy these deficiencies in Candelore because Thexton fails to disclose or suggest the subject matter included in claim 4 and missing from Candelore. Thus, any proposed combination of Candelore and Thexton fails to disclose or suggest all of the subject matter included in claim 4, and so claim 4 is not obvious in view of the proposed combination of Candelore and Thexton.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claim 4.

Claims 12-15

Claims 12-15 were added in Applicants previous response,⁴ and are maintained in this response. Claims 12 and 15 depend from independent claim 1, and are allowable for at least the reasons stated above with respect to independent claim 1. Each of claims 12 and 15 add further limitations to the subject matter of independent claim 1, and therefore each are proper dependent claims depending from independent claim 1.

Claims 13 and 14 depend from dependent claim 12, and add further limitations to the subject matter of independent claim 12. Therefore, each of claims 13 and 14 are proper dependent claims, and are allowable for at least the reasons stated above regarding claim 12.

Applicants respectfully request reconsideration and allowance of claims 12-15.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Final Office Action. Applicants' silence regarding any such assertion does not

³ Applicants do not admit or agree that any combination of Candelore and Thexton is possible.

⁴ See Applicants' response mailed December 3, 2007 in this application.

constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30 day of June, 2008.

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